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In re Application of	:	
Alain Delache et al	:	
Application No. 10/506,980	:	DECISION ON REQUEST FOR REFUND
Filed: September 8, 2004	:	
Attorney Docket No. 062221	:	

This is a decision on the Request For Refund filed November 14, 2008.

The request is **DISMISSED**.

The request for refund is dismissed because section 1.26(b) makes clear that refunds for payment of large entity fees are governed by § 1.28(a). Section 1.28(a) requires a refund request within three months of payment of the large entity fee, **and an assertion of small entity status**. Petitioner has not complied with the above. Additionally, the voluntary payment of the large entity extension and amendment fees based on a loss of entitlement to small entity status cannot be said to have been done in error. As entitlement to small entity status was in fact lost, payment of a large entity fee was not inappropriate.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/Karen Creasy/  
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Petitions Examiner  
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